IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 49385-M of 2006

DATE OF DECISION : 26.09.2006

Rohit alias Kalia

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Kul Bhushan Sharma, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

* * *

Petitioner Rohit alias Kalia has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 152 dated 29.8.2005 under Section 302/34 IPC and 25/54/59 of the Arms Act, registered at Police Station City Rewari.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 6.6.2006, passed by Additional Sessions Judge, Rewari, whereby bail application of the petitioner has been dismissed.

3. In this case, on the statement of complainant Amit son of Pappu, the aforesaid FIR was registered on 29.8.2005, in which it was alleged that when he was talking with his cousin Ashok Sethi at cycle stand near Bus Stand, accused Jeeta along with co-accused Kala and Malkhan alias Pappu came there. It is further alleged that accused Kala and Malkhan caught hold Ashok Sethi and accused Jeeta pulled up the pistol from his dub and fired a bullet in the chest of Ashok Sethi. The injured was taken to Hospital, where he was declared dead. The bail application of accused Malkhan has been dismissed by this Court. After ten days of the alleged occurrence, a supplementary statement of complainant Amit was recorded,

in which it was stated that after the incident, he came to know that on the day of occurrence, one Neetu Sharma was standing near the motorcycle towards the rear gate of cycle stand Bus Stand, Rewari and another person. namely, Rohit alias Kalia (petitioner herein) was standing for vigil on the outer gate of bus stand, Rewari. Counsel for the petitioner contends that this is the only allegation against the petitioner, though there is no evidence of his direct involvement in the crime and the petitioner is in custody since 30.9.2005. He further contends that trial is not likely to conclude soon.

4. Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

September 26, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**